



Date: July 28, 2004 Planning Commission Meeting

Item No.

## MILPITAS PLANNING COMMISSION AGENDA REPORT

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Category: Public Hearing

Report prepared by: Troy Fujimoto

Public Hearing: Yes:   X   No:       

Notices Mailed On: 6/11/04

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**TITLE:** **REVOCATION OF USE PERMIT AMENDMENT NO. UA2003-15 (AD2004-8)**

**Proposal:** Revocation of existing use permit amendment for live entertainment, including dancing and karaoke at the Manila Natori restaurant.

**Location:** 579 South Main Street

**APN:** 086-11-012

**RECOMMENDATION:** **No further action on the revocation**

**Applicant:** Bella Juniega, 579 S. Main Street, Milpitas, CA 95035

**Property Owner:** Seton Chow, 863 Alcosta Drive, Milpitas, CA 95035

**Previous Action(s):** General Plan Amendment, Rezone, "S" Zone Approval, Use Permit, EIA

**General Plan Designation:** Mixed Use

**Present Zoning:** Mixed Use with an "S" Zone Overlay (MXD-S)

**Existing Land Use:** Restaurant

**Agenda Sent To:** Applicant & Owner (as noted above)

**Attachments:** None

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### BACKGROUND

At the June 23, 2004 Planning Commission, the revocation hearing for Manila Natori Restaurant's use permit amendment for live entertainment was continued for 30 days. The reason for the continuance was to see whether the applicant would comply with the pending code enforcement violation within the required time (30 days to July 15, 2004) for the unsatisfied conditions of approval since progress on them was being made. If compliance was obtained the Planning Commission would not need to recommend revocation to the City Council at its July 28, 2004 hearing.

Since this time the applicant has completed construction of the garbage enclosure and is now in conformance with all the conditions of approval for the live entertainment permit.

Since the applicant is now in conformance with the conditions of approval for the use permit amendment, staff is recommending that the hearing be closed and no further action be taken with regards to the revocation process.

**RECOMMENDATION**

Close the public hearing and recommend that no further action be taken for the revocation of Use Permit Amendment No. UA2003-15.